

REFERENCE TITLE: search warrants; extraterritorial execution

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1018

Introduced by
Senators Jarrett, Bee, Blendu: Harper

AN ACT

AMENDING TITLE 13, CHAPTER 38, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3926; RELATING TO SEARCH WARRANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 13, chapter 38, article 8, Arizona Revised Statutes,
3 is amended by adding section 13-3926, to read:
4 13-3926. Search warrants; extraterritorial execution;
5 applicability
6 A. A PEACE OFFICER OR THE OFFICER'S LAWFUL REPRESENTATIVE MAY EXECUTE
7 A SEARCH WARRANT THAT IS ISSUED PURSUANT TO THIS ARTICLE ON ANY ENTITY THAT
8 CONDUCTS ITS REGULAR BUSINESS IN THIS STATE OR THAT OFFERS ITS SERVICES TO
9 RESIDENTS OF THIS STATE. THIS SECTION APPLIES TO ENTITIES THAT PHYSICALLY
10 EXIST IN A STATE OTHER THAN THIS STATE.
11 B. SERVICE ON AN EXTRATERRITORIAL ENTITY MAY BE MADE BY FAX OR OTHER
12 ELECTRONIC MEANS IF THE SERVICE IS ACCOMPANIED WITH A CERTIFICATION FROM THE
13 SENDER THAT THE SENDER IS A PEACE OFFICER IN THIS STATE. AN EXTRATERRITORIAL
14 ENTITY MAY REFUSE SERVICE BY THIS MEANS IF THE ENTITY CANNOT VERIFY THAT THE
15 SERVICE WAS MADE BY A PEACE OFFICER IN THIS STATE. IF THE EXTRATERRITORIAL
16 ENTITY REFUSES SERVICE, A PEACE OFFICER WHO IS LOCATED WITHIN THE
17 JURISDICTION IN WHICH THE ENTITY IS LOCATED MAY SERVE THE WARRANT.
18 C. A SEARCH WARRANT THAT IS ISSUED PURSUANT TO THIS SECTION SHALL BE
19 LIMITED IN SCOPE TO BUSINESS RECORDS, EITHER IN PAPER OR ELECTRONIC FORM,
20 THAT ARE MAINTAINED BY THE EXTRATERRITORIAL ENTITY. THE SEARCH WARRANT SHALL
21 NOT PROVIDE AUTHORITY TO ANY PEACE OFFICER TO SEARCH THE EXTRATERRITORIAL
22 ENTITY'S PLACE OF BUSINESS FOR ANY OTHER TANGIBLE ITEM.
23 D. AN ENTITY MAY CHALLENGE THE ISSUANCE OF A SEARCH WARRANT THAT WAS
24 ISSUED PURSUANT TO THIS SECTION IN THE JURISDICTION OF THE COURT THAT ISSUED
25 THE SEARCH WARRANT.